

REMARKS

Claims 1 and 7 were rejected under 35 U.S.C. 112 as indefinite. Claims 1, 7, and 8 were rejected on the ground of non-statutory double patenting in view of U.S.P.N. 6,732,113 to Ober. Claims 1-5 and 7-8 were rejected under 35 U.S.C. 103(a) as obvious over U.S.P.N. 5,666,492 to Rhodes in view of U.S.P.N. 5,724,575 to Hoover. Claims 6 and 9 were rejected as obvious over Rhodes and Hoover in view of U.S.P.N. 6,341,267 to Taub. Claims 1-9 have been canceled, and claims 10-29 have been added by amendment. No new matter has been added, and a terminal disclaimer is being filed herewith. In view of the amendments and Remarks, the Applicant respectfully requests allowance of the pending claims.

Rejections under 35 U.S.C. § 103(a)

For a claim to be properly rejected under 35 U.S.C. 103, “[t]he PTO has the burden under section 103 to establish a prima facie case of obviousness.” *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). In order to maintain a prima facie case of obviousness under 35 U.S.C. 103(a), three criteria must be met. Specifically, the Patent Examiner must show: (1) some suggestion or motivation in the prior art to combine reference teachings; (2) a reasonable expectation of success; and (3) the combination of references must teach or suggest all claim limitations. *In re Dow Chemical Company*, 837 F.2d 469 (Fed. Cir. 1988); *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991). To reject claims as obvious under 35 U.S.C. 103(a), the burden rests on the Examiner to establish all elements of the prima facie case. Unless the Examiner satisfies his burden of proving the prima facie case, claims may not be properly rejected as obvious.

Independent Claims 10, 28, and 29

Claim 10 of the Application is newly added by amendment, and is allowable for at least the reasons given for the allowability of claims 1, 5, and 6 of Ober (to which the Application claims priority), which were also rejected using combinations of Rhodes, Hoover, and Taub.

For example, regarding claim 10 of the Application, Rhodes and Hoover do not teach defining a first unique alias by encrypting at least a part of the first concatenated identifier, as

recited in claim 10. More specifically, Rhodes and Hoover do not teach the steps of selecting a first subset of the first plurality of identification fields within the first record, creating a first concatenated identifier using the selected first subset of identification fields, and defining a first unique alias by encrypting at least a part of the first concatenated identifier as recited in claim 10. Moreover, Rhodes does not appear to teach anything relating to relevant concepts such as preserving patient confidentiality or preparing records in health care databases for analysis (while preserving patient confidentiality). Rather, Rhodes discloses a system that records and manages pharmaceutical care data and creates reports and billing statements. Although a patient record in the Rhodes database may have fields that are typical of such databases, such as patient name, gender, age, history of care, etc., there is no teaching of using such fields to define an alias by encrypting a concatenated identifier as recited in claim 10. Although the Office Action cites column 3, lines 35-41 of Rhodes as allegedly teaching a system for creating a unique alias associated with an individual identified in a health care database, the Applicant respectfully asserts that the cited passage states little more than that the system “prompts the user on the display device to enter identity and history information corresponding to a particular patient . . . and stores the identity and history information” Prompting a user to enter identity and history information on a display device plainly does not teach or disclose defining a first unique alias by encrypting at least part of the first concatenated identifier, as recited in claim 10.

Furthermore, claim 10 recites transmitting the first unique alias and the first health care field to a data store that stores the first unique alias and the first health care field. The Applicant respectfully submits that, since neither Rhodes nor Hoover disclose defining a first unique alias by encrypting at least a part of the first concatenated identifier, neither Rhodes nor Hoover disclose transmitting the first unique alias and the first health care field to a data store that stores the first unique alias and the first health care field, as recited in claim 10. Accordingly, in view of the above, the Applicant asserts that claim 10, when properly considered as a whole, is not anticipated by, or obvious in view of, the cited references.

Independent claim 28 recites selecting a first subset of the first plurality of identification fields within the first record, creating a first concatenated identifier using the selected first subset of identification fields, and defining a first unique alias by encrypting at least a part of the first

concatenated identifier. Thus, claim 28 is allowable for at least the reasons given for the allowability of claim 10. Claim 28 also recites linking the first health care field with a plurality of health care fields taken from one or more other records using the first unique alias. Since none of the cited references disclose defining a first unique alias by encrypting at least a part of the first concatenated identifier, the cited references also fail to disclose using the first alias to link health care fields as recited in claim 28. Thus, claim 28, when properly considered as a whole, is allowable over the cited references.

Independent claim 29 provides a method for using a unique alias associated with an individual identified in health care databases, wherein each health care database contains at least one record that comprises a plurality of identification fields and a health care field that comprises health care data associated with the individual, and recites selecting a first subset of the first plurality of identification fields within the first record, creating a first concatenated identifier using the selected first subset of identification fields, and creating the first unique alias by encrypting at least a part of the first concatenated identifier. Claim 29 also recites selecting a second subset of the second plurality of identification fields within the second record, creating a second concatenated identifier using the selected second subset of identification fields, and creating the second unique alias by encrypting at least a part of the second concatenated identifier. Accordingly, claim 29 is allowable for at least the reasons given for the allowability of claim 10.

Since the cited references do not disclose creating first and second unique aliases as recited in claim 29, claim 29 is allowable for at least the reason that the cited references also fail to disclose linking the first health care field with the second health care field using the first unique alias and the second unique alias. Similarly, claim 29 is allowable for at least the reason that the cited references do not disclose performing health care data analysis using the linked first and second health care fields. Accordingly, the Applicant respectfully asserts that claim 29, when properly viewed as a whole, is allowable over the cited references.

CONCLUSION

For at least the foregoing reasons, the Applicant respectfully requests that all outstanding rejections be withdrawn and that all pending claims of the Application be allowed to issue. No additional fee is believed due; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

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